

**Congress of the United States**  
**Washington, DC 20515**

February 3, 2016

Mr. Juan Osuna  
Director, Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 1902  
Falls Church, VA 22041

Dear Mr. Osuna,

As Members of the House Appropriations Committee, we are pleased to report that the Fiscal Year 2016 Omnibus Appropriations Act signed by President Obama on December 18, 2015 (Pub. L. No. 114-113) included \$1 million for the creation of information help desks at the nation's most backlogged immigration courts.<sup>1</sup> This is the first time that dedicated funding has been appropriated for immigration help desks. We recognize the challenges faced by the Executive Office for Immigration Review (EOIR) to provide timely immigration hearings while affording due process in an overwhelmed court system. We are hopeful that the creation of information help desks, which have already proven beneficial outside of the immigration court system,<sup>2</sup> will assist in these efforts by providing time-sensitive information and legal screenings to *pro se* respondents on the day of their immigration court hearing.

The purpose of these desks is two-fold: first, to improve efficiency for the court by reducing the time immigration judges spend orienting a respondent on the court hearing process, and second, to ensure respondents are informed on possible remedies and legal resources. As EOIR formulates a plan to roll-out these information help desks, we offer the following three key characteristics for an effective help desk project which are integral to implementing the Congressional intent of the funding provided:

1. **Information help desks should be staffed by bilingual attorneys and/or Board of Immigration Appeals (BIA) Accredited Representatives.** It is critical for these desks to be staffed by an expert in immigration law who can address a broad range of questions that reflect the myriad of circumstances in which respondents find themselves. While the availability of written resources about the court process, benefit eligibility, and immigration-related applications is a valuable part of orienting an individual, there is no substitute for face-to-face interactions to address the complexity of our immigration system. Given the linguistic and literacy limitations

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<sup>1</sup> "Consolidated Appropriations Act, 2016." 114 (H.R. 2029), P.L. 114-113, <https://www.congress.gov/114/bills/hr2029/BILLS-114hr2029enr.pdf>, See H. Rep. No. 114-130 (2015), <https://www.congress.gov/114/crpt/hrpt130/CRPT-114hrpt130.pdf>, p. 34. This appropriation of funding follows the inclusion of language in support of the creation of such desks in the House Appropriations Committee Report attached to the FY 15 Commerce, Justice, Science, and Related Agencies Appropriations Bill, Report 113-448 (2014), <https://www.congress.gov/congressional-report/113th-congress/house-report/448/1> which stated, "The Committee recognizes that the [Legal Orientation Program] LOP program provides valuable aid to detained persons in removal proceedings, and believes such LOP orientation could also benefit non-detained persons involved in the such proceedings, which in turn could help reduce court delays and backlogs. The Committee urges EOIR to consider options, including information desks, to better provide such information to non-detained persons in removal proceedings."

<sup>2</sup> See Kari Lydersen, "Navigating the Maze: U.S. Court Opens Do-It-Yourself Help Desk," WASHINGTON POST, Feb. 1, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/01/31/AR2006013101442.html>; Megan Reichgott, "Help Desk Offers Advice to Civil Litigants," The Associated Press, Jan. 7, 2006, <https://www.highbeam.com/doc/1P1-117072405.html>; Rudolph Bush, "Help is on Way for Those Filing Suits by Selves," CHICAGO TRIBUNE, Dec. 22, 2005, [http://articles.chicagotribune.com/2005-12-22/news/0512220277\\_1\\_federal-court-court-system-judge-joan-humphrey-lefkow](http://articles.chicagotribune.com/2005-12-22/news/0512220277_1_federal-court-court-system-judge-joan-humphrey-lefkow).

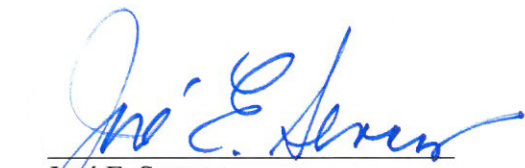
of many respondents, we encourage EOIR to staff the desks with individuals who can communicate in the dominant non-English language(s) present at a particular court location.

2. **Information help desks should be allocated private space to allow for confidential consultations and screenings.** It is vital that respondents who visit the desks feel comfortable sharing sensitive details about their immigration case with desk staff, including possible information related to an asylum or other protection-related claim. A private, safe space for these discussions is essential to meet these needs. This type of private legal screening is crucial to enhancing efficiency and due process in the immigration court system. Respondents must have a greater understanding of next steps in the court process such as whether they should seek a continuance for the purpose of retaining an attorney or seeking relief from removal or whether they should accept voluntary departure or a removal order in lieu of using additional court time. Although help desk staff will not provide legal representation to individuals who visit an immigration court desk, staff must be able to quickly and confidentially advise respondents on next steps and provide legal resources for future assistance as needed.
3. **The information help desks should be established at the most backlogged immigration courts, including those with the longest pending caseloads and those with the largest pending caseloads.** According to the Transactional Records Access Clearinghouse (TRAC), as of November 2015 the 10 courts with the longest pending caseloads include (in descending order): Denver, Phoenix, Chicago, Detroit, Omaha, Cleveland, Los Angeles, Newark, Houston, and El Paso. The ten courts with the largest pending caseloads include (in descending order): New York, Los Angeles, Houston, San Francisco, Newark, Arlington, San Antonio, Miami, Chicago, and Boston.<sup>3</sup> These courts should be among the locations where information help desks are situated and funding is prioritized.

To discuss EOIR's plans for establishing this information help desk program and to further clarify any questions you may have about the Appropriations Committee's intentions when funding this effort, we'd like to request a meeting or call with your office at your earliest convenience. To follow up, please contact Joseph Bushong, Legislative Director, Rep. Mike Quigley, at (202) 225-4061 or [Joseph.Bushong@mail.house.gov](mailto:Joseph.Bushong@mail.house.gov). Thank you in advance for your hard work to improve due process and efficiencies in the immigration court system.

Sincerely,

  
Mike Quigley  
Member of Congress

  
José E. Serrano  
Member of Congress

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<sup>3</sup> [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/)